

REMARKS

The Amendments

Claim 1 is amended to further define the X^4 variable in formula IV, which additionally distinguished the cited art, as discussed below. Other amendments conform to this amendment, correct obvious errors and/or address the 35 U.S.C. § 112 rejection. These latter amendments do not narrow the scope of the claims. The amendments should not be interpreted as an acquiescence to any objection or rejection made in this application.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Rejection Under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 10 and 11 under 35 U.S.C. § 112, second paragraph, is believed to rendered moot by the above amendments directly addressing the points of rejection.

The Rejection Under 35 U.S.C. § 102

The rejection of claims under 35 U.S.C. § 102, as being anticipated by Tarumi (U.S. Patent No. 5,993,692) is respectfully traversed.

It is believed that the amendment to claim 1 – upon which all other claims depend –

renders the rejection moot. The mixtures cited in the Office Action as anticipating the claims, no longer meet all the claim elements. For example, the mixtures A, C and D of Tarumi contain no compound meeting applicants' formula IV wherein R^4 is F or Cl. All of the CCP compounds in these examples contain either a terminal OCF_3 group or, if they contain a terminal F group, contain also two lateral F groups, thus, meeting formula I not formula IV of the instant claims. Mixture B of Tarumi contains the compound PCH-7F which meets applicants' formula IV but this mixture contains no compounds, e.g., CGU compounds, which meet applicants' formula II. Accordingly, Tarumi provides no specific description necessary for anticipation of an embodiment which meets all elements of the instant claims. Thus, the rejection under 35 U.S.C. § 102 should be withdrawn.

Tarumi also fails to render the claimed media obvious under 35 U.S.C. § 103. Tarumi provides broad generic formulae from which one of ordinary skill in the art could possibly pick and choose the components in a manner to arrive at compounds of each of applicants' formulae I, II and IV. However, the only suggestion to make the particular combination according to the instant claims comes from applicants' own teachings. Of course, it is improper to rely on applicants' own teachings to support obviousness under 35 U.S.C. § 103. To arrive at applicants' invention based on the Tarumi disclosure alone would require selection of few out of Tarumi's 12 generic formulae for optional components and then tailoring particular compounds out of each of those selected formulae. Such picking and choosing would only stand a remote chance of arriving at applicants' invention out of at least thousands of other possibilities. Tarumi's examples further direct away from the claimed invention since, e.g., the mixtures which contain a compound of applicants' formula II exclude those of applicants' formula IV and vice versa. Thus, there is a no *prima facie* suggestion of applicants' invention.

The unexpected advantages of applicants' media further prove the nonobviousness thereof. Each of the examples of the instant specification, i.e., A-D at pages 29-30, show that applicants' mixtures maintain a high clearing point of at least 90°C. Examples A, B and C of Tarumi have a lower clearing point of 85°C, 83°C and 77°C respectively. Only Example D has a higher clearing point of 98°C but the threshold voltage of this mixture is 1.65 V, which is significantly higher than the 1.42 V and 1.46 V of applicants' mixtures A and B. The advantageous properties of applicants' mixtures could not have been expected by one of ordinary skill in the art.

Accordingly, in addition to withdrawing the 35 U.S.C. § 102 rejection, the instant claims should not be rejected under 35 U.S.C. § 103 over Tarumi.

The Rejection Under 35 U.S.C. § 103

The rejection of claim 7 under 35 U.S.C. § 103, as being obvious over Tarumi in view of DE 19603257 is respectfully traversed.

DE '257 was cited for its teachings regarding multi-bottle liquid crystal systems. It fails to provide any teachings regarding providing media having the components recited in the instant claims, thus, fails to suggesting modifying the Tarumi mixtures to suggest the instant claimed media. Because Tarumi fails to teach or suggest applicants' mixtures of components, Tarumi's combination with DE '257 also fails to suggest applicants' mixtures. Thus, the rejection under 35 U.S.C. § 103 should be withdrawn.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.


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Reply to Office Action of February 5, 2003

Page 10

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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